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EXAMINER	
HERNANDEZ, NELSON D	
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2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/694,108	STAVELY ET AL.	
	Examiner	Art Unit	
	Nelson D. Hernandez	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the amended claims filed on June 6, 2007. Claims **1, 2, 10, 21 and 25** have been amended.

Response to Arguments

2. Applicant's arguments, see page 8, lines 13-23, filed June 6, 2007, with respect to the rejection of claim 25 under 35 USC § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Windle, US Patent 6,606,117 B1.

3. Applicant's arguments filed June 6, 2007 with regards to amended **claims 1, 2-4, 8-14, 17-19 and 21-24** have been fully considered but they are not persuasive.

The Applicant argues the following:

a. Applicant submits that the Office Action's citation to the applied reference does not teach or suggest one or more elements of the claimed invention. A careful reading of the Examiner's citations to Mukai et al. fails to set forth a sustainable basis that the reference teaches, for example, a processor configured to analyze at least one characteristic of the preview image, determine a nature of the preview image based on the analysis of at least one characteristic

of the preview image, and select the image composition template based upon the nature of the preview image, as recited in Applicant's independent claim 1.

For example, as purportedly teaching the use of "at least one image composition template," the Office Action relies upon disclosure in Mukai et el. of a horizontal or vertical reference line illustrated in Fig. 15, a "pattern" illustrated in Figs. 17A-17C and a "moving subject pattern" of Fig. 19A. Without addressing whether the cited aspects of Mukai et al. disclose "image composition templates" as claimed, Mukai et al. clearly teaches a system in which the reference line, pattern determining and moving subject determining are user-selected modes. (See Mukai et el., Fig. 13 (steps 254, 258 and 262); col. 6 lines 30-42 ("determination of the mode set by the user is made based on the condition of the mode setting button 17 ... When the user has not set any of these modes~ the pixel data read at step #252 are directly transmitted to the EVF) and a normal display is provided at step #270.").

Thus, even if Mukai el al. were to teach at least one image composition template corresponding to a predefined subject matter (which Applicant does not concede), it is clear that the image composition template is not selected "based upon the nature of the preview image," as claimed, but is rather manually selected by the user. Thus, Applicant respectfully submits that Mukai et al. does not disclose, or even suggest, the invention of Applicant's claim 1.

➢ The Examiner understands that Mukai et al. teaches selecting a mode of operation in the camera in, wherein said selected mode operates to display

composition templates based on the selected mode (Fig. 13 (steps 254, 258 and 262); col. 6 lines 30-42). However, when a predetermined mode of operation (i.e. line determining mode, pattern determining mode, moving determining mode) from the plurality of modes of operation are selected, the processor analyzes the image being captured and based on said selected mode, said image processor automatically select from a plurality of different line or patterns based on the analyzed image data (i.e. lines displayed at different angles (steps 312-320 as shown in fig. 14 (see also col. 6, line 49 – col. 7, line 44); this reads as automatically selecting the image composition template based on the nature of the preview image since by calculating how the line being used as a template and displaying it according to said calculation or analysis; Also performing analysis to determine the size, angle of view, position of a frame, movement of a frame (processes being performed automatically as disclosed in col. 7, line 45 – col. 8, line 60), Mukai et al. discloses automatically selecting the image composition template based on the nature of the preview image). The selection of different modes in the Mukai et al. reference are used to have the user control which type of analysis would be performed and based of the desired type of analysis, the camera processor would select from a plurality of composition templates relevant to the type of analysis being performed (Col. 6, line 49 – col. 9, line 58; col. 10, line 59 – col. 11, line 28; See also figs. 14, 16 and 18). Therefore, Examiner understands that the Mukai et al. reference discloses all the limitations in claim 1.

➢ In regards to arguments regarding claims 10 and 21. Arguments have been addressed in regards to claim 1.

b. For example, claim 5 requires that the system further comprises "a menu displayed on the display, the menu configured to select one of the plurality of image composition templates **associated with the nature** of the preview image." (Emphasis added.) Thus, in the system of claim 5, the user can select from amongst a plurality of templates, all of which have been determined to be associated with the nature of the preview image, which is analyzed by the processor. As discussed above in connection with claim 1, Mukai et al. does not at all disclose or suggest the selection of one or more image composition templates that are associated with an. analyzed preview image. To the contrary, while the Office Action contends that Soga et al. discloses a menu through which a composition template can be selected, like Mukai et al. Soga et al. also specifically requires that a user manually scroll through and select an appropriate composition template. (See, e.g., Soga et al. at col. 7 lines 9-12 ("If the left or right button of the up, down, left, right button 5 is pressed, another assistance frame instead of the intersection-of- thirds assistance frame 31 is displayed on the display screen of the liquid crystal display 9.").) Soga et al. does not at all disclose or suggest analysis of a preview image and/or selection of a composition template by a **program or processor**.

➢ The Examiner disagrees. The claim as written does not requires that the plurality of composition templates are associated with a calculated nature of the

preview image by the image processor, the Soga et al. reference reads on the claim as written since Soga et al teaches displaying a menu that the user operates to select a particular composition template associated with the nature of the preview image since the user makes said association by previewing the image data (Soga et al. col. 4, line 38 – col. 6, line 51; col. 8, lines 4-67).

Therefore, the rejection is maintained.

c. However, as with Mukai et al. and Soga el al., discussed above, Windle is also directed to the manual selection of a composition template by the user. (See, e.g., Windle, col. 4 lines 38-42 ("In use, the processing unit 104, in conjunction with the memory storage unit 103 and/or the ROM 108, provides the user with a selection of currently available templates via the user interface 105. The user initially uses selection (not shown) to select at least one of the templates." (emphasis added)); Windle, col. 6 lines 9-17 ("initially pressing the mode template button 204 causes a list of available templates 301 to be displayed on the LCD 203.... A selector button is used to navigate through the available options, and to select the desired template.").) Thus, Applicant submits that the prior art upon which the Office Action relies does not disclose, suggest or make obvious, alone or in any combination, the limitations of claims 6, 15 and 16.

➢ The Examiner disagrees. Although the Examiner acknowledges that the Windle. reference does not explicitly disclose that the selection of the templates is performed automatically. The limitations of selecting the composition template automatically is taught in the Mukai et al. reference as discussed in regards to

claim 1. The Windle. reference is cited to teach the concept of having a memory configured to store logic configured to analyze the nature of the preview image when said memory is in communication with the camera said program would be executed (Col. 13, line 65 – col. 14, line 13) to establish that one of an ordinary skill in the art would notice the advantages of having a memory that can have data updated to store different programs or data to have the program recorded on a memory to have the camera executing said program when in communication with said memory. Furthermore, Windle. discloses that the system analyzes the image being taken to give the user feedback information of how to enhance the image data (Col. 6, lines 9-48; col. 7, lines 1-20; col. 8, lines 16-31).

Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claim 25** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 25, although the Examiner acknowledges the amendments made to claim 25 in order to overcome the previous rejections under 35 USC § 101., **claim 25** still present issues related to non-statutory subject matter. **Claim 25**, recites:

"A computer readable medium having a program for displaying image composition templates with preview images, the program comprising logic that when executed by an image capturing device would perform the steps of: receiving data corresponding to a preview image from a photosensor; analyzing at least one characteristic era preview image; determining a nature of the preview image based upon the analyzed characteristic; selecting an image composition template corresponding to the determined nature of the preview image; and displaying the selected image composition template concurrently with the preview image". The claim as presented does not present or recites the interrelationship between the computer readable tangible medium having the program to display image composition templates and the computer or camera. The claim as written merely recites that the computer readable tangible medium comprises said program and that is said program is executed by an image capturing apparatus performs a particular method or steps, however, does not establish a connection between the computer readable tangible medium and said image capturing device. When nonfunctional descriptive material recorded on some computer-readable medium or in a computer, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material in a computer readable medium or computer does not make it statutory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2-4, 8-14, 17-19 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Mukai et al., US Patent 5,557,358.

Regarding claim 1, Mukai et al. discloses a system (Figs. 1 and 22), comprising: at least one image composition template (reference line (see fig. 15C), pattern (see figs. 17A-17C), moving subject pattern (See fig. 19A)) corresponding to a predefined subject matter; a photosensor (Fig. 22: 40) configured to sense an image; a display (Fig.1: 16 and fig. 22: 32) configured to display a preview image corresponding to the sensed image; and a processor (Fig. 22: 30) configured to perform an analysis of at least one characteristic of the preview image (Mukai et al. teaches selecting a mode of operation in the camera in, wherein said selected mode operates to display composition templates based on the selected mode (Fig. 13 (steps 254, 258 and 262); col. 6 lines 30-42). When a predetermined mode of operation (i.e. line determining mode, pattern determining mode, moving determining mode) from the plurality of modes of operation are selected, the processor analyzes the image being captured and based on said selected mode, said image processor automatically select from a plurality of different line or patterns based on the analyzed image data (i.e. lines displayed at different angles (steps 312-320 as shown in fig. 14 (see also col. 6, line 49 – col. 7, line 44); this

reads as automatically selecting the image composition template based on the nature of the preview image since by calculating how the line being used as a template and displaying it according to said calculation or analysis; Also performing analysis to determine the size, angle of view, position of a frame, movement of a frame (processes being performed automatically as disclosed in col. 7, line 45 – col. 8, line 60), Mukai et al. discloses automatically selecting the image composition template based on the nature of the preview image), determine a nature of the preview image based on an analysis of the at least one characteristic of the preview image (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58), and select the image composition template based upon the nature of the preview image (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58; col. 10, line 59 – col. 11, line 28; See also figs. 14, 16 and 18).

Regarding claim 2, Mukai et al. discloses a plurality of image composition templates (reference line (see fig. 15C), pattern (see figs. 17A-17C), each of the image composition templates associated with at least one of a plurality of preview image natures (positions and angles of a line detected on the horizon; position of a frame when an object is moving, whether the relationship between the size of the subject and the rest of the image is appropriate; col. 6, line 49 – col. 9, line 58), wherein the processor is configured to select a corresponding one of the image composition templates when one of the preview images natures is determined (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58; col. 10, line 59 – col. 11, line 28; See also figs. 14, 16 and 18). Grounds for rejecting claim 1 apply here.

Regarding claim 3, limitations can be found in claim 2.

Regarding claim 4, Mukai et al. discloses a controller (CPU 30 in conjunction with operation member 42 as shown in fig. 22) configured to select one of the plurality of image composition templates associated with the nature of the preview image (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58; col. 10, line 59 – col. 11, line 28; See also figs. 14, 16 and 18).

Regarding claim 8, Mukai et al. discloses a viewfinder (Fig. 1: 16), the viewfinder configured to display a view of the preview image concurrently with the image composition template (See figs. 15C, 17B and 19A).

Regarding claim 9, limitations can be found in claim 8.

Regarding claim 10, Mukai et al. discloses a method comprising the steps of: analyzing at least one characteristic of a preview image by a digital camera (Fig. 1) (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58); automatically determining a nature of the preview image by the digital camera based upon the analyzed characteristic (Col. 6, line 49 – col. 9, line 58); automatically selecting an image composition template (reference line (see fig. 15C), pattern (see figs. 17A-17C), moving subject pattern (See fig. 19A)) corresponding to the determined nature of the preview image (Mukai et al. teaches selecting a mode of operation in the camera in, wherein said selected mode operates to display composition templates based on the selected mode (Fig. 13 (steps 254, 258 and 262); col. 6 lines 30-42). When a predetermined mode of operation (i.e. line determining mode, pattern determining mode, moving determining mode) from the plurality of modes of operation are selected, the processor analyzes the image being captured and based on said selected mode,

said image processor automatically select from a plurality of different line or patterns based on the analyzed image data (i.e. lines displayed at different angles (steps 312-320 as shown in fig. 14 (see also col. 6, line 49 – col. 7, line 44); this reads as automatically selecting the image composition template based on the nature of the preview image since by calculating how the line being used as a template and displaying it according to said calculation or analysis; Also performing analysis to determine the size, angle of view, position of a frame, movement of a frame (processes being performed automatically as disclosed in col. 7, line 45 – col. 8, line 60), Mukai et al. discloses automatically selecting the image composition template based on the nature of the preview image); and displaying (using electronic viewfinder 16 as shown in fig. 1) the selected image composition template concurrently with the preview image (Col. 6, line 49 – col. 9, line 58; col. 10, line 59 – col. 11, line 28; See also figs. 14, 16 and 18).

Regarding claim 11, Mukai et al. discloses the step of receiving data corresponding to the preview image from a photosensor (Fig. 22: 40; col. 10, lines 59-68; col. 11, lines 32-52).

Regarding claim 12, limitations can be found in claim 8.

Regarding claim 13, limitations can be found in claim 8.

Regarding claim 14, Mukai et al. discloses capturing an image corresponding to the preview image with an image capture device; and saving captured image data corresponding to the captured image (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58; col. 10, line 36 – col. 11, line 28; See also figs. 14, 16 and 18).

Regarding claim 17, limitations can be found in claim 14.

Regarding claim 18, limitations can be found in claim 2.

Regarding claim 19, limitations can be found in claim 2.

Regarding claim 21, Mukai et al. discloses a system (Figs. 1 and 22) for displaying image composition templates (reference line (see fig. 15C), pattern (see figs. 17A-17C) with preview images, comprising: means (Fig. 22: 31) for displaying a preview image on a display (Fig. 22: 32); means for analyzing at least one characteristic of the preview image (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58); means for automatically determining a nature of the preview image based upon the analyzed characteristic (Mukai et al. teaches selecting a mode of operation in the camera in, wherein said selected mode operates to display composition templates based on the selected mode (Fig. 13 (steps 254, 258 and 262); col. 6 lines 30-42). When a predetermined mode of operation (i.e. line determining mode, pattern determining mode, moving determining mode) from the plurality of modes of operation are selected, the processor analyzes the image being captured and based on said selected mode, said image processor automatically select from a plurality of different line or patterns based on the analyzed image data (i.e. lines displayed at different angles (steps 312-320 as shown in fig. 14 (see also col. 6, line 49 – col. 7, line 44); this reads as automatically selecting the image composition template based on the nature of the preview image since by calculating how the line being used as a template and displaying it according to said calculation or analysis; Also performing analysis to determine the size, angle of view, position of a frame, movement of a frame (processes

being performed automatically as disclosed in col. 7, line 45 – col. 8, line 60), Mukai et al. discloses automatically selecting the image composition template based on the nature of the preview image); means for selecting an image composition template corresponding to the determined nature of the preview image (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58); and means for displaying the selected image composition template concurrently with the preview image (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58; col. 10, line 59 – col. 11, line 28; See also figs. 14, 16 and 18).

Regarding claim 22, limitations can be found in claim 8.

Regarding claim 23, limitations can be found in claim 8.

Regarding claim 24, Mukai et al. discloses means (Fig. 22: 40; col. 10, lines 59-68; col. 11, lines 32-52) for capturing an image corresponding to the preview image with an image capture device; and means for saving captured image data corresponding to the captured image (Col. 6, line 49 – col. 7, line 62; col. 8, line 61 – col. 9, line 58; col. 10, line 36 – col. 11, line 28; See also figs. 14, 16 and 18).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 5, 7 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai et al., US Patent 5,557,358 in view of Soga et al., US Patent 6,806,906 B1.

Regarding claim 5, Mukai et al. does not explicitly disclose a menu displayed on the display, the menu configured to select one of the plurality of image composition templates associated with the nature of the preview image.

However, Soga et al. teaches a digital camera (See fig. 1) comprising a composition assist function (See figs. 4-6), wherein a menu (See figs. 4 and 5) is displayed on the display of the camera (Col. 5, lines 35-56), the menu configured to select one of the plurality of image composition templates associated with the nature of the preview image (the claim as written does not requires that the plurality of composition templates are associated with a calculated nature of the preview image by the image processor, the Soga et al. reference reads on the claim as written since Soga et al teaches displaying a menu that the user operates to select a particular composition template associated with the nature of the preview image since the user makes said association by previewing the image data) (Col. 4, line 38 – col. 6, line 51; col. 8, lines 4-67).

Therefore, taking the combined teaching of Mukai et al. in view of Soga et al. as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mukai et al. by having a menu displayed on the display, the menu configured to select one of the plurality of image composition templates associated with the nature of the preview image. The motivation to do so would have been to, while observing the assistance lines being displayed on the display unit, the user can decide the composition of the subject in such a manner that the subject is disposed in accordance with the assistance lines and even a beginner, therefore, can use freely a variety of photographic techniques as suggested by Soga et al. (Col. 1, line 66 – col. 2, line 8).

Regarding claim 7, the combined teaching of Mukai et al. in view of Soga et al. as applied to claim 5 teaches a memory (Soga et al., fig. 3: 18) configured to store the image composition template (See Soga et al., col. 5, lines 23-34).

Regarding claim 20, limitations can be found in claim 7.

10. Claims 6, 15, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai et al., US Patent 5,557,358 in view of Windle, US Patent 6,606,117 B1.

Regarding claim 6, Mukai et al. does not explicitly disclose a memory configured to store logic configured to analyze the nature of the preview image.

However, Windle teaches an image composition assist system (See fig. 1) comprising a memory (Fig. 1: 103; col. 3, lines 8-24; col. 13, line 65 – col. 14, line 13) for storing image composition program code to analyze and enhance the composition of the image data being captured by a digital camera (Col. 3, lines 8-24; col. 4, lines 39-62; col. 13, line 65 – col. 14, line 13).

Therefore, taking the combined teaching of Mukai et al. in view of Windle as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mukai et al. to have a memory configured to store logic configured to analyze the nature of the preview image. The motivation to do so would have been to improve the performance to the system by having the processor analyzing the image data based on a code that can be changed or updated to improve the performance to the system.

Regarding claim 15, the combined teaching of Mukai et al. in view of Windle as applied to claim 6 teaches saving the selected image composition template as part of the captured image data (See Windle, col. 5, lines 20-49; col. 6, lines 26-58).

Regarding claim 16, the combined teaching of Mukai et al. in view of Windle as applied to claim 6 teaches associating the selected image composition template with the

captured image data (See Windle, col. 5, lines 20-49; col. 6, lines 26-58); and saving the selected image composition template (See Windle, col. 5, lines 20-49; col. 6, lines 26-58).

Regarding claim 25, claim 25 recites a computer-readable tangible medium having a program for displaying image composition templates with preview images, the program comprising logic that when executed by an image capturing device would perform the steps performed by the apparatus in claim 1 and 21. Mukai et al. discloses the steps of claim 25 as discussed and analyzed in claims 1 and 21 but does not explicitly disclose that the program performing said steps is stored in a computer readable tangible medium that when said computer readable tangible is in communication with said image capturing apparatus, said program is executed by said image capturing apparatus.

However, Windle teaches an image composition assist system (See fig. 1) comprising a memory (Fig. 1: 103; col. 3, lines 8-24; col. 13, line 65 – col. 14, line 13) for storing image composition program code to analyze and enhance the composition of the image data being captured by a digital camera (Col. 3, lines 8-24; col. 4, lines 39-62; col. 13, line 65 – col. 14, line 13).

Therefore, taking the combined teaching of Mukai et al. in view of Windle as a whole, one of an ordinary skill in the art at the time the invention was made would notice the advantages of having a memory that can have data updated to store different programs or data to have the program recorded on a computer readable tangible medium to have the camera executing said program when said image capturing

apparatus is in communication with said computer readable tangible medium. The motivation to do so would have been to improve the performance to the system by having the processor analyzing the image data based on a code that can be changed or updated to improve the performance to the system.

Conclusion

11. Because new gounds for rejection have been made to substantially unamended claim 25, this Office Action is made **Non-Final.**

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 9:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
August 20, 2007

LIN YE
SUPERVISORY PATENT EXAMINER